

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 617

Introduced by Assembly Member Perea

February 24, 2015

An act to amend Sections 10720.5, 10720.8, 10721, 10723.6, 10725, 10726.8, ~~10727~~, 10727.2, 10727.4, 10727.6, 10728, 10728.6, ~~10733.4~~, 10735, and 10735.2 of, and to add Section 10726.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 617, as amended, Perea. Groundwater.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

This bill would revise the definition of “groundwater recharge” for the purposes of the act to permit the inclusion of in-lieu recharge through

delivery of water to persons that otherwise extract groundwater, leaving groundwater in the basin.

The act authorizes a combination of local agencies to form a groundwater sustainability agency by a joint powers agreement, memorandum of agreement, or other legal agreement, and authorizes a water corporation regulated by the Public Utilities Commission to participate.

This bill would authorize a combination of one or more local agencies and one or more mutual water companies to enter into an agreement to form a groundwater sustainability agency and would authorize a groundwater sustainability agency formed by a joint powers agreement to exercise the powers granted in the act.

~~The act authorizes a groundwater sustainability plan to be a single plan covering the entire basin developed and implemented by one or multiple groundwater sustainability agencies or multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin.~~

~~This bill would eliminate the requirement that the agreement cover the entire basin and would allow coordination pursuant to a coordination agreement.~~

The act authorizes a groundwater sustainability agency to exercise certain powers in implementing the act, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the Department of Water Resources a groundwater sustainability plan or prescribed alternative documentation.

This bill would, in addition to any other authorities granted to a groundwater sustainability agency, authorize a groundwater sustainability agency to enter into written agreements and funding with private parties that assist in or facilitate the implementation of groundwater sustainability plans or elements of a groundwater sustainability plan. This bill would eliminate the condition that a groundwater sustainability agency submit its groundwater sustainability plan to the department to authorize a groundwater sustainability agency to exercise its powers to implement the act.

The act, with a specified exception, does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state.

This bill, if a groundwater sustainability agency finds that a state entity is not working cooperatively regarding implementation of a

groundwater sustainability plan, would permit the groundwater sustainability agency to file notice with the board and require the board to notice proceedings to investigate the finding of the groundwater sustainability agency. This bill would authorize the board to direct the state entity to cooperate in the implementation of the groundwater sustainability plan if the board determines that the failure of the state entity to work cooperatively regarding implementation of a groundwater sustainability plan compromises the ability of the groundwater sustainability agency to implement the plan in a manner that will likely achieve the sustainability goal unless the state entity indicates its authority for not complying with the groundwater sustainability plan.

The act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the board makes a certain determination. The act authorizes the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. The act prohibits the board from designating a basin as a probationary basin for a period of time equal to a delay caused by certain litigation, including litigation that prevented a groundwater sustainability plan or program from being implemented in a manner likely to achieve the sustainability goal.

The act requires a groundwater sustainability plan to include measurable objectives to achieve the sustainability goal within the basin within 20 years of the implementation of the plan. The act authorizes the Department of Water Resources to grant an extension of up to 5 years beyond the 20-year sustainability timeframe upon a showing of good cause and to grant a 2nd extension of up to 5 years upon a showing of good cause if the groundwater sustainability agency has begun implementation of a prescribed work plan.

This bill would provide that good cause includes certain litigation that prevented a groundwater sustainability plan or program from being implemented in a manner likely to achieve the sustainability goal.

The act requires the board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.

This bill would require the board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates that it has adopted a groundwater sustainability plan and

that it is being implemented in a manner that will likely achieve the sustainability goal.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10720.5 of the Water Code is amended
2 to read:

3 10720.5. (a) Groundwater management pursuant to this part
4 shall be consistent with Section 2 of Article X of the California
5 Constitution. Nothing in this part modifies rights or priorities to
6 use or store groundwater consistent with Section 2 of Article X of
7 the California Constitution, except that in basins designated
8 medium- or high-priority basins by the department, no extraction
9 of groundwater between January 1, 2015, and the date of adoption
10 of a groundwater sustainability plan pursuant to this part or any
11 action to regulate groundwater extractions taken as a means of
12 implementing a groundwater sustainability plan pursuant to Section
13 10726.4, may be used as evidence of, or to establish or defend
14 against, any claim of prescription.

15 (b) Nothing in this part, or in any groundwater management
16 plan adopted pursuant to this part, determines or alters surface
17 water rights or groundwater rights under common law or any
18 provision of law that determines or grants surface water rights.

19 SEC. 2. Section 10720.8 of the Water Code is amended to read:

20 10720.8. (a) Except as provided in subdivision (e), this part
21 does not apply to the following adjudicated areas or a local agency
22 that conforms to the requirements of an adjudication of water rights
23 for one of the following adjudicated areas:

- 24 (1) Beaumont Basin.
- 25 (2) Brite Basin.
- 26 (3) Central Basin.
- 27 (4) Chino Basin.
- 28 (5) Cucamonga Basin.
- 29 (6) Cummings Basin.
- 30 (7) Goleta Basin.
- 31 (8) Lytle Basin.
- 32 (9) Main San Gabriel Basin.
- 33 (10) Mojave Basin Area.

- 1 (11) Puente Basin.
- 2 (12) Raymond Basin.
- 3 (13) Rialto-Colton Basin.
- 4 (14) Riverside Basin.
- 5 (15) San Bernardino Basin Area.
- 6 (16) San Jacinto Basin.
- 7 (17) Santa Margarita River Watershed.
- 8 (18) Santa Maria Valley Basin.
- 9 (19) Santa Paula Basin.
- 10 (20) Scott River Stream System.
- 11 (21) Seaside Basin.
- 12 (22) Six Basins.
- 13 (23) Tehachapi Basin.
- 14 (24) Upper Los Angeles River Area.
- 15 (25) Warren Valley Basin.
- 16 (26) West Coast Basin.

17 (b) The Antelope Valley basin at issue in the Antelope Valley
18 Groundwater Cases (Judicial Council Coordination Proceeding
19 Number 4408) shall be treated as an adjudicated basin pursuant to
20 this section if the superior court issues a final judgment, order, or
21 decree.

22 (c) Any groundwater basin or portion of a groundwater basin
23 in Inyo County managed pursuant to the terms of the stipulated
24 judgment in City of Los Angeles v. Board of Supervisors of the
25 County of Inyo, et al. (Inyo County Case No. 12908) shall be
26 treated as an adjudicated area pursuant to this section.

27 (d) The Los Osos Groundwater Basin at issue in Los Osos
28 Community Service District v. Southern California Water Company
29 [Golden State Water Company] et al. (San Luis Obispo County
30 Superior Court Case No. CV 040126) shall be treated as an
31 adjudicated basin pursuant to this section if the superior court
32 issues a final judgment, order, or decree.

33 (e) If an adjudication action has determined the rights to extract
34 groundwater for only a portion of a basin, subdivisions (a), (b),
35 (c), and (d) apply only within the area for which the adjudication
36 action has determined those rights.

37 (f) The watermaster or a local agency within a basin identified
38 in subdivision (a) shall do all of the following:

1 (1) By April 1, 2016, submit to the department a copy of a
2 governing final judgment, or other judicial order or decree, and
3 any amendments entered before April 1, 2016.

4 (2) Within 90 days of entry by a court, submit to the department
5 a copy of any amendment made and entered by the court to the
6 governing final judgment or other judicial order or decree on or
7 after April 1, 2016.

8 (3) By April 1, 2016, and annually thereafter, submit to the
9 department a report containing the following information to the
10 extent available for the portion of the basin subject to the
11 adjudication:

12 (A) Groundwater elevation data unless otherwise submitted
13 pursuant to Section 10932.

14 (B) Annual aggregated data identifying groundwater extraction
15 for the preceding water year.

16 (C) Surface water supply used for or available for use for
17 groundwater recharge.

18 (D) Total water use.

19 (E) Change in groundwater storage.

20 (F) The annual report submitted to the court.

21 SEC. 3. Section 10721 of the Water Code is amended to read:
22 10721. Unless the context otherwise requires, the following
23 definitions govern the construction of this part:

24 (a) "Adjudication action" means an action filed in the superior
25 or federal district court to determine the rights to extract
26 groundwater from a basin or store water within a basin, including,
27 but not limited to, actions to quiet title respecting rights to extract
28 or store groundwater or an action brought to impose a physical
29 solution on a basin.

30 (b) "Basin" means a groundwater basin or subbasin identified
31 and defined in Bulletin 118 or as modified pursuant to Chapter 3
32 (commencing with Section 10722).

33 (c) "Bulletin 118" means the department's report entitled
34 "California's Groundwater: Bulletin 118" updated in 2003, as it
35 may be subsequently updated or revised in accordance with Section
36 12924.

37 (d) "Coordination agreement" means a legal agreement adopted
38 between two or more groundwater sustainability agencies that
39 provides the basis for coordinating multiple agencies or

1 groundwater sustainability plans within a basin pursuant to this
2 part.

3 (e) “De minimis extractor” means a person who extracts, for
4 domestic purposes, two acre-feet or less per year.

5 (f) “Governing body” means the legislative body of a
6 groundwater sustainability agency.

7 (g) “Groundwater” means water beneath the surface of the earth
8 within the zone below the water table in which the soil is
9 completely saturated with water, but does not include water that
10 flows in known and definite channels.

11 (h) “Groundwater extraction facility” means a device or method
12 for extracting groundwater from within a basin.

13 (i) “Groundwater recharge” means the augmentation of
14 groundwater, by natural or artificial means and may include in-lieu
15 recharge through delivery of water to persons that otherwise extract
16 groundwater, leaving groundwater in the basin.

17 (j) “Groundwater sustainability agency” means one or more
18 local agencies that implement the provisions of this part. For
19 purposes of imposing fees pursuant to Chapter 8 (commencing
20 with Section 10730) or taking action to enforce a groundwater
21 sustainability plan, “groundwater sustainability agency” also means
22 each local agency comprising the groundwater sustainability
23 agency if the plan authorizes separate agency action.

24 (k) “Groundwater sustainability plan” or “plan” means a plan
25 of a groundwater sustainability agency proposed or adopted
26 pursuant to this part.

27 (l) “Groundwater sustainability program” means a coordinated
28 and ongoing activity undertaken to benefit a basin, pursuant to a
29 groundwater sustainability plan.

30 (m) “Local agency” means a local public agency that has water
31 supply, water management, or land use responsibilities within a
32 groundwater basin.

33 (n) “Operator” means a person operating a groundwater
34 extraction facility. The owner of a groundwater extraction facility
35 shall be conclusively presumed to be the operator unless a
36 satisfactory showing is made to the governing body of the
37 groundwater sustainability agency that the groundwater extraction
38 facility actually is operated by some other person.

1 (o) “Owner” means a person owning a groundwater extraction
2 facility or an interest in a groundwater extraction facility other
3 than a lien to secure the payment of a debt or other obligation.

4 (p) “Personal information” has the same meaning as defined in
5 Section 1798.3 of the Civil Code.

6 (q) “Planning and implementation horizon” means a 50-year
7 time period over which a groundwater sustainability agency
8 determines that plans and measures will be implemented in a basin
9 to ensure that the basin is operated within its sustainable yield.

10 (r) “Public water system” has the same meaning as defined in
11 Section 116275 of the Health and Safety Code.

12 (s) “Recharge area” means the area that supplies water to an
13 aquifer in a groundwater basin.

14 (t) “Sustainability goal” means the existence and implementation
15 of one or more groundwater sustainability plans that achieve
16 sustainable groundwater management by identifying and causing
17 the implementation of measures targeted to ensure that the
18 applicable basin is operated within its sustainable yield.

19 (u) “Sustainable groundwater management” means the
20 management and use of groundwater in a manner that can be
21 maintained during the planning and implementation horizon
22 without causing undesirable results.

23 (v) “Sustainable yield” means the maximum quantity of water,
24 calculated over a base period representative of long-term conditions
25 in the basin and including any temporary surplus, that can be
26 withdrawn annually from a groundwater supply without causing
27 an undesirable result.

28 (w) “Undesirable result” means one or more of the following
29 effects caused by groundwater conditions occurring throughout
30 the basin:

31 (1) Chronic lowering of groundwater levels indicating a
32 significant and unreasonable depletion of supply if continued over
33 the planning and implementation horizon. Overdraft during a period
34 of drought is not sufficient to establish a chronic lowering of
35 groundwater levels if extractions and groundwater recharge are
36 managed as necessary to ensure that reductions in groundwater
37 levels or storage during a period of drought are offset by increases
38 in groundwater levels or storage during other periods.

39 (2) Significant and unreasonable reduction of groundwater
40 storage.

1 (3) Significant and unreasonable seawater intrusion.

2 (4) Significant and unreasonable degraded water quality,
3 including the migration of contaminant plumes that impair water
4 supplies.

5 (5) Significant and unreasonable land subsidence that
6 substantially interferes with surface land uses.

7 (6) Depletions of interconnected surface water that have
8 significant and unreasonable adverse impacts on beneficial uses
9 of the surface water.

10 (x) “Water budget” means an accounting of the total
11 groundwater and surface water entering and leaving a basin
12 including the changes in the amount of water stored.

13 (y) “Watermaster” means a watermaster appointed by a court
14 or pursuant to other law.

15 (z) “Water year” means the period from October 1 through the
16 following September 30, inclusive.

17 (aa) “Wellhead protection area” means the surface and
18 subsurface area surrounding a water well or well field that supplies
19 a public water system through which contaminants are reasonably
20 likely to migrate toward the water well or well field.

21 SEC. 4. Section 10723.6 of the Water Code is amended to read:

22 10723.6. (a) A combination of local agencies or a combination
23 of one or more local agencies and one or more mutual water
24 companies may form a groundwater sustainability agency by using
25 any of the following methods:

26 (1) A joint powers agreement, pursuant to the Joint Exercise of
27 Powers Act (Chapter 5 (commencing with Section 6500) of
28 Division 7 of Title 1 of the Government Code), which may include
29 a mutual water company pursuant to Section 6525 of the
30 Government Code.

31 (2) A memorandum of agreement or other legal agreement.

32 (b) A water corporation regulated by the Public Utilities
33 Commission may participate in a groundwater sustainability agency
34 if the other parties in the groundwater sustainability agency
35 approve.

36 (c) A groundwater sustainability agency formed pursuant to a
37 joint powers agreement may exercise all of the powers granted
38 pursuant to this part. The signatories to a joint powers agreement
39 forming a groundwater sustainability agency are deemed to hold
40 in common the powers granted to a groundwater sustainability

1 agency pursuant to this part in order for the groundwater
2 sustainability agency to exercise those powers. Nothing in this
3 section shall be construed to grant any power to a mutual water
4 company, water corporation, or local agency that participates in
5 an agreement authorized under this section that is not otherwise
6 granted to the mutual water company, water corporation, or local
7 agency, pursuant to other provisions of law.

8 SEC. 5. Section 10725 of the Water Code is amended to read:

9 10725. (a) A groundwater sustainability agency may exercise
10 any of the powers described in this chapter in implementing this
11 part, in addition to, and not as a limitation on, any existing
12 authority, if the groundwater sustainability agency adopts a
13 groundwater sustainability plan or submits to the department a
14 prescribed alternative in accordance with Section 10733.6.

15 (b) A groundwater sustainability agency has and may use the
16 powers in this chapter to provide the maximum degree of local
17 control and flexibility consistent with the sustainability goals of
18 this part.

19 SEC. 6. Section 10726.5 is added to the Water Code, to read:

20 10726.5. In addition to any other authority granted to a
21 groundwater sustainability agency by this part or other law, a
22 groundwater sustainability agency may enter into written
23 agreements and funding with a private party to assist in, or facilitate
24 the implementation of, a groundwater sustainability plan or any
25 elements of the plan.

26 SEC. 7. Section 10726.8 of the Water Code is amended to read:

27 10726.8. (a) This part is in addition to, and not a limitation
28 on, the authority granted to a local agency under any other law.
29 The local agency may use the local agency's authority under any
30 other law to apply and enforce any requirements of this part,
31 including, but not limited to, the collection of fees.

32 (b) Nothing in this part shall be construed as authorizing a local
33 agency to make a binding determination of the water rights of any
34 person or entity.

35 (c) Nothing in this part is a limitation on the authority of the
36 board, the department, or the State Department of Public Health.

37 (d) Notwithstanding Section 6103 of the Government Code, a
38 state or local agency that extracts groundwater shall be subject to
39 a fee imposed under this part to the same extent as any
40 nongovernmental entity.

1 (e) Except as provided in subdivision (d), this part does not
2 authorize a local agency to impose any requirement on the state
3 or any agency, department, or officer of the state. State agencies
4 and departments shall work cooperatively with a local agency on
5 a voluntary basis.

6 (f) If a groundwater sustainability agency finds that a state entity
7 is not working cooperatively regarding implementation of a
8 groundwater sustainability plan, the groundwater sustainability
9 agency may file notice with the board regarding its finding. The
10 board shall notice proceedings to investigate the finding of the
11 groundwater sustainability agency. If the board determines that
12 the failure of the state entity to work cooperatively regarding
13 implementation of a groundwater sustainability plan compromises
14 the ability of the groundwater sustainability agency to implement
15 the plan in a manner that will likely achieve the sustainability goal,
16 the board may direct the state entity to cooperate in the
17 implementation of the groundwater sustainability plan unless the
18 state entity indicates its authority for not complying with a
19 groundwater sustainability plan in the same manner as subdivision
20 (f) of Section 10735.8.

21 (g) Nothing in this chapter or a groundwater sustainability plan
22 shall be interpreted as superseding the land use authority of cities
23 and counties, including the city or county general plan, within the
24 overlying basin.

25 ~~SEC. 8.—Section 10727 of the Water Code is amended to read:~~
26 ~~10727.—(a) A groundwater sustainability plan shall be~~
27 ~~developed and implemented for each medium- or high-priority~~
28 ~~basin by a groundwater sustainability agency to meet the~~
29 ~~sustainability goal established pursuant to this part. The~~
30 ~~groundwater sustainability plan may incorporate, extend, or be~~
31 ~~based on a plan adopted pursuant to Part 2.75 (commencing with~~
32 ~~Section 10750).~~

33 ~~(b) A groundwater sustainability plan may be any of the~~
34 ~~following:~~

35 ~~(1) A single plan covering the entire basin developed and~~
36 ~~implemented by one groundwater sustainability agency.~~

37 ~~(2) A single plan covering the entire basin developed and~~
38 ~~implemented by multiple groundwater sustainability agencies.~~

1 ~~(3) Subject to Section 10727.6, multiple plans implemented by~~
2 ~~multiple groundwater sustainability agencies and coordinated~~
3 ~~pursuant to a coordination agreement.~~

4 ~~SEC. 9.~~

5 ~~SEC. 8.~~ Section 10727.2 of the Water Code is amended to read:

6 10727.2. A groundwater sustainability plan shall include all
7 of the following:

8 (a) A description of the physical setting and characteristics of
9 the aquifer system underlying the basin that includes the following:

10 (1) Historical data, to the extent available.

11 (2) Groundwater levels, groundwater quality, subsidence, and
12 groundwater-surface water interaction.

13 (3) A general discussion of historical and projected water
14 demands and supplies.

15 (4) A map that details the area of the basin and the boundaries
16 of the groundwater sustainability agencies that overlie the basin
17 that have or are developing groundwater sustainability plans.

18 (5) A map identifying existing and potential recharge areas for
19 the basin. The map or maps shall identify the existing recharge
20 areas that substantially contribute to the replenishment of the
21 groundwater basin. The map or maps shall be provided to the
22 appropriate local planning agencies after adoption of the
23 groundwater sustainability plan.

24 (b) (1) Measurable objectives, as well as interim milestones in
25 increments of five years, to achieve the sustainability goal in the
26 basin within 20 years of the implementation of the plan.

27 (2) A description of how the plan helps meet each objective and
28 how each objective is intended to achieve the sustainability goal
29 for the basin for long-term beneficial uses of groundwater.

30 (3) (A) Notwithstanding paragraph (1), at the request of the
31 groundwater sustainability agency, the department may grant an
32 extension of up to ~~5~~ five years beyond the 20-year sustainability
33 timeframe upon a showing of good cause. The department may
34 grant a second extension of up to five years upon a showing of
35 good cause if the groundwater sustainability agency has begun
36 implementation of the work plan described in clause (iii) of
37 subparagraph (B). For purposes of this paragraph, “good cause”
38 includes litigation that prevented a groundwater sustainability plan
39 or program from being implemented in a manner likely to achieve

1 the sustainability goal as described in subdivision (d) of Section
2 10735.2.

3 (B) The department may grant an extension pursuant to this
4 paragraph if the groundwater sustainability agency does all of the
5 following:

6 (i) Demonstrates a need for an extension.

7 (ii) Has made progress toward meeting the sustainability goal
8 as demonstrated by its progress at achieving the milestones
9 identified in its groundwater sustainability plan.

10 (iii) Adopts a feasible work plan for meeting the sustainability
11 goal during the extension period.

12 (4) The plan may, but is not required to, address undesirable
13 results that occurred before, and have not been corrected by,
14 January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,
15 a groundwater sustainability agency has discretion as to whether
16 to set measurable objectives and the timeframes for achieving any
17 objectives for undesirable results that occurred before, and have
18 not been corrected by, January 1, 2015.

19 (c) A planning and implementation horizon.

20 (d) Components relating to the following, as applicable to the
21 basin:

22 (1) The monitoring and management of groundwater levels
23 within the basin.

24 (2) The monitoring and management of groundwater quality,
25 groundwater quality degradation, inelastic land surface subsidence,
26 and changes in surface flow and surface water quality that directly
27 affect groundwater levels or quality or are caused by groundwater
28 extraction in the basin.

29 (3) Mitigation of overdraft.

30 (4) How recharge areas identified in the plan substantially
31 contribute to the replenishment of the basin.

32 (5) A description of surface water supply used or available for
33 use for groundwater recharge.

34 (e) A summary of the type of monitoring sites, type of
35 measurements, and the frequency of monitoring for each location
36 monitoring groundwater levels, groundwater quality, subsidence,
37 streamflow, precipitation, evaporation, and tidal influence. The
38 plan shall include a summary of monitoring information such as
39 well depth, screened intervals, and aquifer zones monitored, and
40 a summary of the type of well relied on for the information,

1 including public, irrigation, domestic, industrial, and monitoring
2 wells.

3 (f) Monitoring protocols that are designed to detect changes in
4 groundwater levels, groundwater quality, inelastic surface
5 subsidence for basins for which subsidence has been identified as
6 a potential problem, and flow and quality of surface water that
7 directly affect groundwater levels or quality or are caused by
8 groundwater extraction in the basin. The monitoring protocols
9 shall be designed to generate information that promotes efficient
10 and effective groundwater management.

11 (g) A description of the consideration given to the applicable
12 county and city general plans and a description of the various
13 adopted water resources-related plans and programs within the
14 basin and an assessment of how the groundwater sustainability
15 plan may affect those plans.

16 ~~SEC. 10.~~

17 *SEC. 9.* Section 10727.4 of the Water Code is amended to read:

18 10727.4. In addition to the requirements of Section 10727.2,
19 a groundwater sustainability plan shall include, where appropriate
20 and in collaboration with the appropriate local agencies, all of the
21 following:

- 22 (a) Control of saline water intrusion.
- 23 (b) Wellhead protection areas and recharge areas.
- 24 (c) Migration of contaminated groundwater.
- 25 (d) A well abandonment and well destruction program.
- 26 (e) Replenishment of groundwater extractions.
- 27 (f) Activities implementing, opportunities for, and removing
28 impediments to, conjunctive use or underground storage.
- 29 (g) Well construction policies.
- 30 (h) Measures addressing groundwater contamination cleanup,
31 groundwater recharge, diversions to storage, conservation, water
32 recycling, conveyance, and extraction projects.
- 33 (i) Efficient water management practices, as defined in Section
34 10902, for the delivery of water and water conservation methods
35 to improve the efficiency of water use.
- 36 (j) Efforts to develop relationships with state and federal
37 regulatory agencies.
- 38 (k) Processes to review land use plans and efforts to coordinate
39 with land use planning agencies to assess activities that potentially
40 create risks to groundwater quality or quantity.

1 (l) Impacts on groundwater dependent ecosystems.

2 ~~SEC. 11.~~

3 *SEC. 10.* Section 10727.6 of the Water Code is amended to
4 read:

5 10727.6. Groundwater sustainability agencies intending to
6 develop and implement multiple groundwater sustainability plans
7 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall
8 coordinate with other agencies preparing a groundwater
9 sustainability plan within the basin to ensure that the plans utilize
10 consistent data and methodologies for the following assumptions
11 in developing the plans:

12 (a) Groundwater elevation data.

13 (b) Groundwater extraction data.

14 (c) Surface water supply.

15 (d) Total water use.

16 (e) Change in groundwater storage.

17 (f) Water budget.

18 (g) Sustainable yield.

19 ~~SEC. 12.~~

20 *SEC. 11.* Section 10728 of the Water Code is amended to read:

21 10728. On the April 1 following the adoption of a groundwater
22 sustainability plan and annually thereafter, a groundwater
23 sustainability agency shall submit a report to the department
24 containing the following information about the basin managed in
25 the groundwater sustainability plan:

26 (a) Groundwater elevation data.

27 (b) Annual aggregated data identifying groundwater extraction
28 for the preceding water year.

29 (c) Surface water supply used for or available for use for
30 groundwater recharge.

31 (d) Total water use.

32 (e) Change in groundwater storage.

33 ~~SEC. 13.~~

34 *SEC. 12.* Section 10728.6 of the Water Code is amended to
35 read:

36 10728.6. Division 13 (commencing with Section 21000) of the
37 Public Resources Code does not apply to the preparation and
38 adoption of plans pursuant to this chapter. The formation of or
39 election to become a groundwater sustainability agency is not
40 subject to the requirements of Division 13 (commencing with

1 Section 21000) of the Public Resources Code. Nothing in this part
2 shall be interpreted as exempting from Division 13 (commencing
3 with Section 21000) of the Public Resources Code a project that
4 would implement actions taken pursuant to a plan adopted pursuant
5 to this chapter.

6 ~~SEC. 14. Section 10733.4 of the Water Code is amended to~~
7 ~~read:~~

8 ~~10733.4. (a) Upon adoption of a groundwater sustainability~~
9 ~~plan pursuant to either paragraph (1) or (2) of subdivision (b) of~~
10 ~~Section 10727, a groundwater sustainability agency shall submit~~
11 ~~the groundwater sustainability plan to the department for review~~
12 ~~pursuant to this chapter.~~

13 ~~(b) If groundwater sustainability agencies develop multiple~~
14 ~~groundwater sustainability plans for a basin, the submission~~
15 ~~required by subdivision (a) shall include both of the following:~~

16 ~~(1) An explanation of how the agency's groundwater~~
17 ~~sustainability plan will be implemented together with other plans~~
18 ~~to satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire~~
19 ~~basin.~~

20 ~~(2) A copy of the coordination agreement between the~~
21 ~~groundwater sustainability agencies to ensure the coordinated~~
22 ~~implementation of the groundwater sustainability plans.~~

23 ~~(c) Upon receipt of a groundwater sustainability plan, the~~
24 ~~department shall post the plan on the department's Internet Web~~
25 ~~site and provide 60 days for persons to submit comments to the~~
26 ~~department about the plan.~~

27 ~~(d) The department shall evaluate the groundwater sustainability~~
28 ~~plan within two years of its submission by a groundwater~~
29 ~~sustainability agency and issue an assessment of the plan. The~~
30 ~~assessment may include recommended corrective actions to address~~
31 ~~any deficiencies identified by the department.~~

32 ~~(e) Nothing in this section shall be construed to prohibit a~~
33 ~~groundwater sustainability agency from developing, adopting, and~~
34 ~~implementing a groundwater sustainability plan pursuant to this~~
35 ~~part.~~

36 ~~SEC. 15.~~

37 ~~SEC. 13. Section 10735 of the Water Code is amended to read:~~

38 ~~10735. As used in this chapter, the following terms have the~~
39 ~~following meanings:~~

(a) “Condition of long-term overdraft” means the condition of a groundwater basin where the average annual amount of water extracted for a long-term period, generally 10 years or more, exceeds the long-term average annual supply of water to the basin, plus any temporary surplus. Overdraft during a period of drought is not sufficient to establish a condition of long-term overdraft if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.

(b) “Person” means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or public agency, including any city, county, city and county, district, joint powers authority, state, or any agency or department of those entities. “Person” includes, to the extent authorized by federal or tribal law and subject to the limitations described in subdivisions (c) and (d) of Section 10720.3, the United States, a department, ~~agency~~ agency, or instrumentality of the federal government, an Indian tribe, an authorized Indian tribal organization, or interstate body.

(c) “Probationary basin” means a basin for which the board has issued a determination under Section 10735.2.

(d) “Significant depletions of interconnected surface waters” means reductions in flow or levels of surface water that is hydrologically connected to the basin such that the reduced surface water flow or levels have a significant and unreasonable adverse impact on beneficial uses of the surface water.

~~SEC. 16.~~

SEC. 14. Section 10735.2 of the Water Code is amended to read:

10735.2. (a) The board, after notice and a public hearing, may designate a basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After June 30, 2017, none of the following have occurred:

(A) A local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or

1 more groundwater sustainability plans that will collectively serve
2 as a groundwater sustainability plan for the entire basin.

3 (C) A local agency has submitted an alternative that has been
4 approved or is pending approval pursuant to Section 10733.6. If
5 the department disapproves an alternative pursuant to Section
6 10733.6, the board shall not act under this paragraph until at least
7 180 days after the department disapproved the alternative.

8 (2) The basin is subject to paragraph (1) of subdivision (a) of
9 Section 10720.7, and after January 31, 2020, none of the following
10 have occurred:

11 (A) A groundwater sustainability agency has adopted a
12 groundwater sustainability plan for the entire basin.

13 (B) A collection of local agencies has adopted groundwater
14 sustainability plans that collectively serve as a groundwater
15 sustainability plan for the entire basin.

16 (C) The department has approved an alternative pursuant to
17 Section 10733.6.

18 (3) The basin is subject to paragraph (1) of subdivision (a) of
19 Section 10720.7 and after January 31, 2020, the department, in
20 consultation with the board, determines that a groundwater
21 sustainability plan is inadequate or that the groundwater
22 sustainability program is not being implemented in a manner that
23 will likely achieve the sustainability goal.

24 (4) The basin is subject to paragraph (2) of subdivision (a) of
25 Section 10720.7, and after January 31, 2022, none of the following
26 have occurred:

27 (A) A groundwater sustainability agency has adopted a
28 groundwater sustainability plan for the entire basin.

29 (B) A collection of local agencies has adopted groundwater
30 sustainability plans that collectively serve as a groundwater
31 sustainability plan for the entire basin.

32 (C) The department has approved an alternative pursuant to
33 Section 10733.6.

34 (5) The basin is subject to paragraph (2) of subdivision (a) of
35 Section 10720.7, and either of the following have occurred:

36 (A) After January 31, 2022, both of the following have occurred:

37 (i) The department, in consultation with the board, determines
38 that a groundwater sustainability plan is inadequate or that the
39 groundwater sustainability plan is not being implemented in a
40 manner that will likely achieve the sustainability goal.

1 (ii) The board determines that the basin is in a condition of
2 long-term overdraft.

3 (B) After January 31, 2025, both of the following have occurred:

4 (i) The department, in consultation with the board, determines
5 that a groundwater sustainability plan is inadequate or that the
6 groundwater sustainability plan is not being implemented in a
7 manner that will likely achieve the sustainability goal.

8 (ii) The board determines that the basin is in a condition where
9 groundwater extractions result in significant depletions of
10 interconnected surface waters.

11 (b) In making the findings associated with paragraph (3) or (5)
12 of subdivision (a), the department and board may rely on periodic
13 assessments the department has prepared pursuant to Chapter 10
14 (commencing with Section 10733). The board may request that
15 the department conduct additional assessments utilizing the
16 regulations developed pursuant to Chapter 10 (commencing with
17 Section 10733) and make determinations pursuant to this section.
18 The board shall post on its Internet Web site and provide at least
19 30 days for the public to comment on any determinations provided
20 by the department pursuant to this subdivision.

21 (c) (1) The determination may exclude a class or category of
22 extractions from the requirement for reporting pursuant to Part 5.2
23 (commencing with Section 5200) of Division 2 if those extractions
24 are subject to a local plan or program that adequately manages
25 groundwater within the portion of the basin to which that plan or
26 program applies, or if those extractions are likely to have a minimal
27 impact on basin withdrawals.

28 (2) The determination may require reporting of a class or
29 category of extractions that would otherwise be exempt from
30 reporting pursuant to paragraph (1) of subdivision (c) of Section
31 5202 if those extractions are likely to have a substantial impact on
32 basin withdrawals or requiring reporting of those extractions is
33 reasonably necessary to obtain information for purposes of this
34 chapter.

35 (3) The determination may establish requirements for
36 information required to be included in reports of groundwater
37 extraction, for installation of measuring devices, or for use of a
38 methodology, measuring device, or both, pursuant to Part 5.2
39 (commencing with Section 5200) of Division 2.

1 (4) The determination may modify the water year or reporting
2 date for a report of groundwater extraction pursuant to Section
3 5202.

4 (d) If the board finds that litigation challenging the formation
5 of a groundwater sustainability agency prevented its formation
6 before July 1, 2017, pursuant to paragraph (1) of subdivision (a)
7 or prevented a groundwater sustainability program from being
8 implemented in a manner likely to achieve the sustainability goal
9 pursuant to paragraph (3), (4), or (5) of subdivision (a), the board
10 shall not designate a basin as a probationary basin for a period of
11 time equal to the delay caused by the litigation.

12 (e) The board shall exclude from probationary status any portion
13 of a basin for which a groundwater sustainability agency
14 demonstrates that it has adopted a groundwater sustainability plan
15 and that it is being implemented in a manner that will likely achieve
16 the sustainability goal.

17 ~~SEC. 17.~~

18 *SEC. 15.* The amendment of Section 10728.6 of the Water
19 Code made by this act does not constitute a change in, but is
20 declaratory of, existing law.